

United States Senate

COMMITTEES:
BANKING, HOUSING
AND URBAN AFFAIRS
FOREIGN RELATIONS
SPECIAL COMMITTEE ON AGING

October 28, 2013

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry,

I write to express my deep concerns regarding the administration's policy toward negotiation of civil nuclear cooperation agreements. The administration's acceptance of enrichment and reprocessing (ENR) capabilities in new agreements with countries where no ENR capability currently exists is inconsistent and confusing, potentially compromising our nation's non-proliferation policies and goals.

The so-called "gold standard," where nations forswear domestic ENR capabilities, was finalized under this administration with the completion of the civil nuclear cooperation agreement (123 agreement) with the United Arab Emirates. The UAE 123 agreement signaled the United States' strong commitment to nuclear nonproliferation and, most importantly, established a high standard to ensure tight control of potentially dangerous technologies from nuclear fuels processes that can also be used for the foundations of a nuclear weapons program.

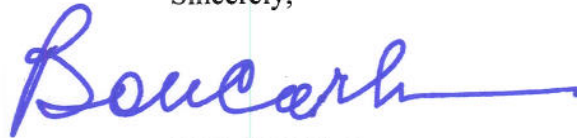
Yet in recent negotiations the administration appears to have walked away from this "gold standard," instead allowing for inconsistencies and exceptions in subsequent 123 agreements. My staff was recently assured by a State Department official that any potential nuclear cooperation agreement with Jordan would require a legally-binding commitment by the Jordanians not to pursue ENR. Yet the administration announced the completion recently of a 123 agreement with Vietnam that does not require them to forswear ENR capabilities. The administration soon will complete a 123 agreement with Taiwan that does include legally-binding guarantees not to pursue those very same technologies. And the ongoing negotiations with the Republic of Korea apparently never even included a discussion of the "gold standard."

The absence of a consistent policy weakens our nuclear nonproliferation efforts, and sends a mixed message to those nations we seek to prevent from gaining or enhancing such capability, and signals to our partners that the "gold standard" is no standard at all. The United States must lead with high standards that prevent the proliferation of technologies if we are to have a credible and effective nuclear nonproliferation policy. Consequently, the administration must at the earliest opportunity articulate a clear, stringent, and consistent policy in 123 agreements that upholds the "gold standard".

The Atomic Energy Act requires the president to keep the relevant congressional committees “fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation.” I believe this standard has not been met. I respectfully request that you provide the full text of the Vietnam 123 agreement and any related documents; provide at the earliest possible opportunity the necessary comprehensive briefings and consultations for consideration of the agreement prior to the president’s submission for congressional consideration later this year; and commit to providing regular and comprehensive briefings and consultations on all ongoing negotiations of this nature.

I look forward to continuing engagement with the administration on pursuit of a strong, consistent, and effective nuclear nonproliferation strategy, and I am grateful for your immediate attention to my request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Boucarh", with a long horizontal flourish extending to the right.

BOB CORKER
United States Senator